IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

R.S.A No.4849 of 2004
Date of decision February 26, 2007

Lakhi Ram

.....Appellant

Versus

Tikka Ram and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL

Present:- Sh. Karan Bhardwaj, Advocate
for the appellant.

Sh. Vikram Singh, Advocate
for the respondents.

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Viney Mittal, J (Oral)

The plaintiff is in second appeal. He filed a suit for declaration that the decree dated January 23, 1998 passed in favour of defendant No.1 and suffered by Gugan father of the plaintiff was illegal bad and liable to be set aside.

Both the Courts below have held that the decree dated January 23, 1998 had been suffered by Gugan on the basis of family settlement between the family members and as such, since no fraud had been played in passing of the said decree and therefore, the said decree could not be challenged by the plaintiff. The appellate Court further observed that even if, one of the defendants had chosen to resile from the aforesaid family settlement later on, the plaintiff could seek his other remedies on the basis of the said family settlement.

The suit filed by the plaintiff has been dismissed by the trial Court and his appeal has failed before the appellate Court.

Nothing has been shown that the findings of fact recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

(VINEY MITTAL)
JUDGE

February 26, 2007
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